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SKJERVEN
MORRILL
MACPHERSON LLP

Docket No.: M-8760 US

October 24, 2000

Box Patent Application
Commissioner For Patents
Washington, D. C. 20231

Enclosed herewith for filing is a patent application, as follows:

Inventor(s): Khan, Rehan M.; Mathys, Marc M.; Pirkner, Christian D.; Sulzer, Thomas R.

Title: System And Method For Presenting Music To Consumers

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|-------------------------------------|---|
| <u>X</u> | Return Receipt Postcard |
| <u>X</u> | This Transmittal Letter (in duplicate) |
| <u>13</u> | page(s) Specification (not including claims) |
| <u>1</u> | page(s) Claims |
| <u>1</u> | page Abstract |
| <u>11</u> | Sheet(s) of Drawings |
| <u>3</u> | page(s) Declaration For Patent Application and Power of Attorney |
| <u>1</u> | page(s) Recordation Form Cover Sheet (in duplicate) |
| <u>3</u> | page(s) Assignment |
| <u>2</u> | page(s) Verified Statement Claiming Small Entity Status (37 CFR 1.9(f) & 1.27(c))--Small Business Concern |
| <u>1</u> | page(s) PTO Form 1449 citing 2 references |
| <input checked="" type="checkbox"/> | Copy(ies) of 2 Cited References submitted |

CLAIMS AS FILED (fees computed under 37 CFR §1.9(f))

| For | Number Filed | | Number Extra | | Rate | | Basic Fee |
|--------------------------|--|-----|-----------------|---|------|---------|-------------|
| Total Claims | 7 | -20 | = | 0 | x | \$ 9.00 | = \$ 355.00 |
| Independent Claims | 3 | -3 | = | 0 | x | \$40 | = \$ 0.00 |
| <input type="checkbox"/> | Fee of _____ for the first filing of one or more multiple dependent claims per application | | | | | | \$ |
| <input type="checkbox"/> | Fee for Request for Extension of Time | | | | | | \$ |

Please make the following charges to Deposit Account 19-2386:

- ☒ Total fee for filing the patent application in the amount of \$ 355.00
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 19-2386.

EXPRESS MAIL LABEL NO:

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Respectfully submitted,

Theodore P. Lopez
Theodore P. Lopez
Attorney for Applicant(s)
Reg. No. 44,881

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Khan, Rehan M.; Mathys, Marc; Pirkner, Christian D.; Sulzer, Thomas R.
Assignee: MoodLogic, Inc.
Title: SYSTEM AND METHOD FOR PRESENTING MUSIC TO CONSUMERS
Serial No.: Filed:
Docket No.: M-8760 US

COMMISSIONER FOR PATENTS
Washington, D. C. 20231

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(F) & 1.27(C)) -- SMALL BUSINESS CONCERN**

Dear Sir:

I declare that I am an official empowered to act on behalf of the concern identified above as assignee.

Exclusive rights to the above invention as described in

- ☒ the specification filed herewith,
☐ U.S. patent application Serial No. , filed

have been conveyed to and remain with the above concern.

For purposes of paying reduced fees under Section 41 of Title 35 of the United States Code with regard to this invention, I declare that the above concern qualifies as a small business concern as defined in 37 CFR 1.9(d) and 13 CFR 121, and more particularly 13 CFR 121.802, namely, (a) the concern's number of employees, including those of its affiliates, does not exceed 500 persons, and (b) the concern has not assigned, granted, conveyed, or licensed, and is under no obligation to assign, grant, convey, or license, any rights in the invention to any person who made it and could not be classified as an independent inventor under 37 CFR 1.9(c), or to any concern which would not qualify as a nonprofit organization under 37 CFR 1.9(e) or a small business concern under 37 CFR 121.802.

I acknowledge my duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of

paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate per 37 CFR 1.28(b).

I declare that all statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties including fine or imprisonment or both as set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or this document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom.

Signature:  Date: 10/17/00

Official's Name: Thomas Sulzer

Official's Title: President

Concern's Name: MoodLogic, Inc.

Concern's Address: 608 Folsom Street, San Francisco, CA 94107